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State v. McKnight Respondent's Brief Dckt. 41537

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IN THE SUPREME COURT OF THE STATE OF IDAHO

COPY

STATE OF IDAHO,)	
)	Nos. 41537, 41538
Plaintiff-Respondent,)	
)	Kootenai Co. Case Nos.
vs.)	CR-2012-19904, CR-2012-17453
)	
MATTHEW ALLAN MCKNIGHT,)	
)	
Defendant-Appellant.)	

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE FIRST JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF KOOTENAI

HONORABLE FRED M. GIBLER
District Judge

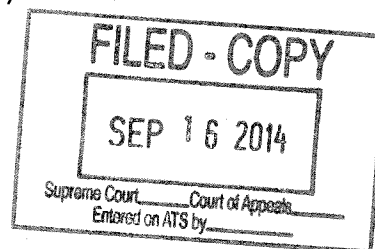
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STATEMENT OF THE CASE

Nature Of The Case

Matthew Allan McKnight appeals from his judgments of conviction entered upon his guilty pleas to possession of a stolen vehicle in CR-F12-17453 and grand theft in CR-F12-19904. On appeal, he argues that the district court abused its discretion by denying his motions to withdraw his guilty pleas.

Statement Of The Facts And Course Of The Proceedings

On September 21, 2012, officers located McKnight ducking into a stolen vehicle parked on the street. (PSI, pp.3-4.) McKnight was arrested and charged with possession of a stolen vehicle. (41538 R., pp.44-45.) McKnight pleaded not guilty and was released on his own recognizance. (41538 R., pp.42, 46-48.)

While he was out on release, McKnight committed a new felony, stealing a woman's Child Support debit card toward the end of October. (PSI, pp.4-5.) McKnight was again arrested and was charged with grand theft for stealing the financial card. (41537 R., pp.34-35.) The court set bail at \$50,000.00. (41537 R., p.25.)

McKnight entered a global plea agreement wherein he agreed to plead guilty to the charges in both cases in exchange for the state recommending probation and not filing additional charges. (41537 R., p.39; 41538 R., p.52; see also Tr., p.6, L.12 – p.7, L.17.) McKnight pleaded guilty to both charges (Tr., p.12, Ls.19-24), and he was released on his own recognizance pending sentencing (41537 R., p.40). A presentence report was prepared and filed on January 23, 2013. (See PSI, p.1.) McKnight then failed to appear at his sentencing hearing on February 25, instead absconding. (See 41537 R., p.46; 41538 R., p.58.) The court issued bench warrants in each case (id.)

and, eventually, McKnight was returned to custody (41537 R., pp.47-48; 41538 R., pp.59-60).

McKnight moved to withdraw his guilty pleas, asserting that he was incompetent to plead guilty. (41537 R., pp.49-50; 41538 R., pp.61-62.) McKnight also requested a mental health evaluation (41537 R., pp.51-52; 41538 R., pp.63-64), which the district court ordered (41537 R., pp.54-55; 41538 R., pp.66-67). The district court held a hearing on McKnight's motions to withdraw his guilty pleas. (Tr., pp.21-32.) Finding that McKnight failed to make the required showing to withdraw his guilty pleas, the district court denied the motions. (41537 R., p.65; 41538 R., p.77; see also Tr., p.25, L.21 – p.27, L.10.)

The district court entered judgment against McKnight in both cases and sentenced him to concurrent unified terms of seven years with two years fixed on the possession of the stolen vehicle and the grand theft. (41537 R., pp.70-74; 41538 R., pp.82-86.) McKnight filed timely notices of appeal. (41537 R., pp.76-77; 41538 R., pp.88-89.)

On appeal, the Idaho Supreme Court entered an order consolidating the cases.

ISSUE

McKnight states the issue on appeal as:

Did the district court abuse its discretion when it denied Mr. McKnight's motions to withdraw his guilty pleas?

(Appellant's brief, p.8.)

The state rephrases the issue as:

Has McKnight failed to show that the district court abused its discretion by denying his motions to withdraw his guilty pleas?

ARGUMENT

McKnight Has Failed To Show That The District Court Abused Its Discretion By Denying His Motions To Withdraw His Guilty Pleas

A. Introduction

Below, McKnight moved to withdraw his guilty pleas, asserting that he was not competent to plead guilty. (41537 R., pp.49-50; 41538 R., pp.61-62.) The district court rejected McKnight's assertion, finding that his psychological evaluation supported the conclusion that McKnight was competent to plead guilty. (Tr., p.25, L.21 – p.27, L.10.) On appeal, McKnight argues that the district court abused its discretion by denying his pre-sentencing motions to withdraw his guilty pleas. (Appellant's brief, pp.9-14.) A review of the record and the applicable law, however, supports the district court's determination that McKnight failed to carry his burden of establishing a just reason entitling him to withdraw his pleas. McKnight has failed to establish an abuse of the district court's discretion.

B. Standard Of Review

"Appellate review of the denial of a motion to withdraw a plea is limited to whether the district court exercised sound judicial discretion as distinguished from arbitrary action." State v. Hanslovan, 147 Idaho 530, 535-536, 211 P.3d 775, 780-781 (Ct. App. 2008) (citing State v. McFarland, 130 Idaho 358, 362, 941 P.2d 330, 334 (Ct. App. 1997)). An appellate court will defer to the trial court's factual findings if they are supported by substantial competent evidence. State v. Holland, 135 Idaho 159, 15 P.3d 1167 (2000); Gabourie v. State, 125 Idaho 254, 869 P.2d 571 (Ct. App. 1994).

C. McKnight Failed To Show Either That His Plea Was Involuntary Or That There Existed Any Other Just Reason For Withdrawing His Plea

Under Idaho Criminal Rule 33(c), a motion to withdraw a guilty plea may be made before sentence is imposed. The presentence withdrawal of a guilty plea is not an automatic right, however. State v. Carrasco, 117 Idaho 295, 298, 787 P.2d 281, 284 (1990); Hanslovan, 147 Idaho at 535, 211 P.3d at 780. The defendant bears the burden of proving, in the district court, that the plea should be withdrawn. Hanslovan, 147 Idaho at 535, 211 P.3d at 780.

In ruling on a motion to withdraw a guilty plea, the district court must determine, as a threshold matter, whether the plea was entered knowingly, intelligently and voluntarily. State v. Mauro, 121 Idaho 178, 180, 824 P.2d 109, 111 (1991); Hanslovan, 121 Idaho at 536, 211 P.3d at 781. If the plea was voluntary, in the constitutional sense, then the court must determine whether other reasons exist to allow the defendant to withdraw the plea. Id.

When the motion is made prior to sentencing, the defendant must present a just reason for withdrawing the plea. Hanslovan, 121 Idaho at 535, 211 P.3d at 780; McFarland, 130 Idaho at 361, 941 P.2d at 333. The decision to grant or deny a motion to withdraw a guilty plea lies in the discretion of the district court. Id. Where the defendant moves to withdraw his guilty plea before the imposition of sentence “but after [he] has read his presentence report or received other information about his probable sentence, the court is to exercise broad discretion, but may temper its liberality by weighing the defendant’s apparent motive.” State v. Johnson, 120 Idaho 408, 411, 816 P.2d 364, 366 (Ct. App. 1991) (citation omitted). The failure of a defendant to present and support a plausible reason, even in the absence of prejudice to the state, will dictate

against granting withdrawal. State v. Ward, 135 Idaho 68, 72, 14 P.3d 388, 392 (Ct. App. 2000) (citing State v. Dopp, 124 Idaho 481, 485, 861 P.2d 51, 55 (1993); McFarland, 130 Idaho at 362, 941 P.2d at 334)).

The district court concluded that McKnight's assertion that he was incompetent due to mental health reasons to enter his guilty pleas was disproved by the record and therefore did not demonstrate a just reason to withdraw his guilty pleas. (Tr., p.25, L.21 – p.27, L.10.) This finding is supported by the record. In conjunction with his motions to dismiss his guilty pleas, McKnight requested a mental health evaluation. (41537 R., pp.51-52; 41538 R., pp.63-64.) The district court ordered the evaluation. (41537 R., pp.54-56; 41538 R., pp.66-67.) The mental health evaluator found that McKnight was competent. (PSI, pp.46-47.)

Despite the clear finding that McKnight was competent, McKnight argued that the mental health evaluation showed that he had been incompetent when he pleaded guilty. (Tr., p.21, L.12 – p.22, L.21.) The district court rejected McKnight's interpretation of the mental health evaluation, finding that it in fact supported the opposite conclusion: That McKnight was competent when he entered his guilty pleas. (Tr., p.26, Ls.6-21.) The district court's finding is again supported by the evidence. First, the psychological evaluator never concluded that McKnight previously *did* have a psychotic disorder; only that he *could* "have met the criteria for diagnosis in the past." (PSI, p.45.) Second, any psychotic disorder McKnight could have had would have been substance induced. (Id.) But at the time he pleaded guilty, McKnight affirmed that he was not "under the influence of any drug, alcohol or medicine." (Tr., p.11, Ls.21-23.) Because McKnight was not abusing substances when he entered his guilty pleas, there was no possibility that a

potential “substance induced psychotic disorder” may have rendered him incompetent when he pleaded guilty. McKnight failed to show a just reason to support his motions to withdraw his guilty pleas.

Though McKnight continues to dispute the district court’s factual findings in this regard on appeal (see Appellant’s brief, pp.11-14), he has failed to show clear error in those findings. Because there is no factual basis for McKnight’s claim of incompetence, the district court’s order denying McKnight’s motions to withdraw his guilty pleas on that ground should be affirmed.

In addition to reiterating the same argument as raised below, McKnight also contends that the district court abused its discretion by requiring McKnight to make an increased showing of good cause to withdraw his guilty pleas and that withdrawal should be allowed because it would not prejudice the state. (Appellant’s brief, pp.11-14.) Applying the correct legal standards to the facts of this case, all of McKnight’s arguments fail.

After the district court had already made its ruling that McKnight failed to show a just reason to withdraw his guilty plea, defense counsel noted, “for the record,” that McKnight had not seen the PSI or been aware of its recommendations *before he absconded*. (Tr., p.27, Ls.14-18.) Even crediting this naked assertion, as the district court appears to have done (see Tr., p.27, L.19), that does not show that McKnight was not required to make a heightened showing to justify withdrawal of his guilty plea. First, the relevant inquiry is whether McKnight was aware of the sentencing recommendations *before moving to withdraw his guilty plea*, not whether he was aware of them before he

absconded. There was no argument below that McKnight was still unaware of the sentencing recommendations when he moved to withdraw his plea.

Second, the legal standard for scrutinizing a defendant's motives is broader than the defendant merely having read the PSI. As noted above, when a defendant moves to withdraw his guilty plea before sentencing "but after [he] has read his presentence report *or received other information about his probable sentence*," the court may consider "the defendant's apparent motive." Johnson, 120 Idaho at 411, 816 P.2d at 366 (emphasis added). Whether McKnight had read his PSI or not, he was certainly aware that the state was no longer bound to its favorable sentencing recommendations due to his absconding. Furthermore, whether McKnight knew what the PSI's specific recommendations would be, he apparently knew enough that he felt it necessary to abscond and fail to appear for sentencing.

Finally, McKnight has failed to show that the district court actually "required an increased showing of good cause" instead of just correctly stating the legal standard. As noted above, McKnight failed as a factual matter to make any showing of cause. His only argument was, based on a psychological evaluation conducted several months after the fact, that he was not competent to enter his pleas. But, as noted above, the district court rejected this argument, finding that the psychological evaluation actually supported the opposite conclusion: That McKnight was competent to enter his guilty pleas. (Tr., p.26, Ls.6-21.) McKnight's motion to withdraw his guilty pleas was denied because he failed to show any just reason to withdraw his guilty pleas, with or without a heightened standard.

McKnight also argues that he should be allowed to withdraw his guilty pleas because withdrawal would not prejudice the state. (Appellant's brief, p.14.) Even assuming, *arguendo*, that the state would not be prejudiced by allowing McKnight to withdraw his guilty pleas, that inquiry is irrelevant until McKnight shows a just reason to withdraw his guilty pleas. McKnight's sole argument—that he was incompetent to plead guilty—lacked any factual support and was correctly rejected by the district court. Because McKnight failed to show a just reason to withdraw his guilty pleas, the district court properly exercised its discretion by denying the motions.

CONCLUSION

The state respectfully requests that this Court affirm the district court's order denying McKnight's motions to withdraw his guilty pleas.

DATED this 16th day of September, 2014.



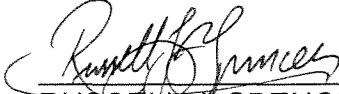
RUSSELL J. SPENCER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 16th day of September, 2014, served a true and correct copy of the attached BRIEF OF RESPONDENT by causing a copy addressed to:

BEN P. McGREEVY
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in The State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.



RUSSELL J. SPENCER
Deputy Attorney General

RJS/pm